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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/165,683	10/02/1998	YEVGENIY EUGENE SHTEYN	PHA23-483	8198

7590 05/03/2004

US PHILIPS CORPORATION
580 WHITE PLAINS ROAD
TARRYTOWN, NY 10591

EXAMINER

ZHEN, LI B

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 05/03/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/165,683

Applicant(s)

SHTEYN, YEVGENIY EUGENE

Examiner

Li B. Zhen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 16.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 12 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 is indefinite because it recites, "enables one or more routes" (line 12) and "altering only one of the second property and the third property" (lines 12 - 13). When more than one routes are enabled, it is unclear as to how only one of the properties is changed. Claim 1 suggests that each property routes changes one property (lines 6 – 10); therefore, when more than one property routes are enabled, more than one properties should be altered as well.

Double Patenting

5. Claims 1 – 12 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 2 of U.S. Patent No. 6,499,062 to Shteyn (hereinafter Shteyn62).

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6. As to claim 1, Shteyn62 teaches an information processing system [claim 1, line 2] comprising:

a first physical component having at least a first property [claim 1, lines 2 – 4];

a second physical component having at least a second property [claim 1, lines 2 – 4];

a third physical component having at least a third property [claim 2, lines 2 – 3];

wherein:

the first property includes a plurality of routes [claim 1, lines 5 – 8],

at least one route of the plurality of routes being provided for altering the second property [claim 1, lines 14 – 17], and

at least one other route of the plurality of routes being provided for altering the third property [claim 2, lines 8 – 17], and

an instruction that alters the first property includes an identifier that selectively enables one or more routes of the plurality of routes to thereby enable selectively altering only one of the second property and the third property [claim 2, lines 8 – 17].

Although Shteyn does not specifically teach an identifier, Shteyn clearly teaches differentiating one property route from another [claim 1, lines 9 – 17]. Obviously, there would be some sort of identifier that identifies one route from a plurality of routes.

7. As to claim 11, Shteyn teaches a component comprising:

at least one property that includes a plurality of property routes, each route of the plurality of property routes being associated with an other property at one or more other components for selectively altering the other property [claim 1, lines 2 – 8],

and a software module [claim 1, line 5] that is configured to alter the at least one property [claim 1, lines 5 – 8] and select other properties upon receipt of an instruction that includes an identifier of one or more selected routes of the plurality of property routes, wherein upon receipt of the instruction [claim 1, lines 9 – 17], the component is configured to effect alteration of:

the at least one property, and each property associated with the one or more selected routes, only [claim 1, lines 9 – 17].

8. As to claim 2 – 10 and 12, these are rejected for similar reasons as claims 1 and 11 above.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,108,717 to Kimura teaches a control system using plural objects.

"Home API Specification" teaches a set of Component Object Model (COM) application programming interfaces (API) enabling application to discover and control home devices in a protocol-dependent manner. The specification also teaches property

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routes [p. 18 – 20]. However, this reference was published after the filing date of the current patent application.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (703) 305-3406. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Li B. Zhen
Examiner
Art Unit 2126

lbz
April 22, 2004


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
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